

# PATENT COOPERATION TREATY

## PCT


### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 28 JUN 2005

WIPO

PCT

Applicant's or agent's file reference ...	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/RO2004/000008	International filing date (day/month/year) 05.04.2004	Priority date (day/month/year) 13.06.2003	
International Patent Classification (IPC) or national classification and IPC E21B37/06			
Applicant SLEMCU, Nicolae			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  07.02.2005		Date of completion of this report  24.06.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Zimpfer, E  Telephone No. +49 89 2399-7881	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/RO2004/000008

**Box No. 1 Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-8 filed with telefax on 01.06.2005

**Claims, Numbers**

1-9 received on 07.02.2005 with letter of 07.02.2005

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☒ the description, pages 1-8 as amended
  - ☒ the claims, Nos. 1-9 as amended
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

see separate sheet

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/RO2004/000008

---

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	1-3
	No: Claims	
Inventive step (IS)	Yes: Claims	1-3
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-3
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

---

**Box No. VII Certain defects in the international application**

---

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

---

**Box No. VIII Certain observations on the international application**

---

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item I**

**Basis of the report**

**1. Amendments :**

The amendments filed with the letters dated 07.02.2005 and 01.06.2005 are not allowable considering Article 19(2) PCT.

Two new description have been filed with letters dated 07.02.2005 and 01.06.2005, as well as a new set of claims, where major amendments have been carried out.

A lot of new features have been added to said description and in the new claims, compared to the originally filed text, which is not allowable considering Art. 19 PCT.

Hence, the International Preliminary Examining Report is based on the application as originally filed.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure :

**D1:** US-A-3 276 519 (KNOX JOHN A ET AL) 4 October 1966 (1966-10-04)

**1. Novelty :**

**1.1** Since none of the documents cited in the search report disclose all the features of independent claim 1, it is considered that said claim as well as dependent claims 2-3 are novel over said prior art documents.

**2. Inventive step :**

**2.1** Document D1 discloses the use naphthalene, anthracene (*classified in the present application as part of the "phenol oil fraction"*), phenanthrene, fluoranthene, fluorene

(classified in the present application as part of the "absorption oil fraction"), chrysene and acenaphthene (classified in the present application as part of the "polymerized oil fraction") or mixture thereof (see D1 ; claims) as paraffin inhibiting composition.

However, since none of the prior art document teaches or fairly suggests the specific composition claimed in claim 1, with the specific distillation temperature and the given amounts, it appears to be non-obvious to the skilled person.

Hence, claim 1, as well as dependent claims 2-3, are considered as being inventive.

#### Re Item VII

##### **Certain defects in the international application**

1. Each claim should be formulated in one sentence only (what is not the case for present **claims 1 and 3**) and possibly using the two-part form.  
See Rule 6.3(b) PCT ; PCT Guidelines Part II Chapter 5 §5.04 to 5.11

#### Re Item VIII

##### **Certain observations on the international application**

Due to a poor translation into English, the subject-matter of **claims 1 to 3** is not clear under Article 6 PCT, in particular :

##### **1. Claim 1 :**

- 1.1 The term "*till 100% is completing itself*", used in **claim 1**, is not clear (Art. 6 PCT)
- 1.2 The term "*with organic reactive*", used in **claim 1** is unclear : "reactive" can only be used as adjective in English.

The nature of said "organic reactive" is also unclear, because not defined within the set of claims. **Claim 2** gives some examples, but it is not clear if the given list is exhaustive or not.

In other words, the "organic reactive" as "defined" in claim 1 could be any organic

compound, and the scope of the claim is therefore very large, leading to unclarity.

**1.3** It is not clear if the terms "phenol oil", "absorption oil" and "polymerized oil", given to the different distilled fractions in **claim 1** are well-known terms for the skilled person in this field, or if said terms are specific of the present application.

**1.4** The exact composition of said "substance" of claim 1 is not clear : does the so-called "organic reactive" only complete (up to 100%) the chemical vector (i.e. 90% of the claimed substance), or the whole substance (i.e. 90% of chemical vector + 10% of "organic reactive") ?

This point is absolutely unclear at this stage of the procedure.

## **2. Claim 2 :**

**2.1** The subject-matter of claim 2 is not clear, in particular because the term "*characterized by the fact that is acting like a chemical vector*" is not clear, and because the wording "*which can transport 10% of..*" is vague, unclear and in particular, not limiting the scope of the claim.

This seems to be expressed as a non-mandatory condition : it can transport 10% of said "organic reactive", but there is no obligation.

**2.2** It is also unclear what the meaning of "transport" is, in the used claim formulation : a dissolution ? a dispersion ? an emulsion ?.

## **3. Claim 3 :**

**3.1** Wordings such as "*for sure*" or "*this operation also constitutes...*" used in **claim 3**, should be avoided.

The second advantage of said process should be identified in a separate independent method-claim.